

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Boyce Van Osdol,)	Civil Action No. 6:05-CV-01191-HFF-BHH
)	
)	
Plaintiffs,)	
)	
vs.)	<u>CONSENT ORDER OF DISMISSAL</u>
)	
Lockheed Martin Aircraft Center, Inc.,)	
)	
Defendants.)	
)	

The Amended Complaint in this Action contains Seven Counts. Counts I (FMLA), II (ERISA), and VII (ADA) invoke this Court's subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question). Counts III-VI arise under South Carolina law for which this Court has jurisdiction under 28 U.S.C. § 1367(a) (supplemental jurisdiction) as both Plaintiff and Defendant are South Carolina residents.

Pursuant to an agreement between the parties, all claims arising under federal law (Counts I, II, and VII) are dismissed with prejudice (without any effect on any other claims arising under State law).

The parties are in agreement that the remaining claims may raise novel or complex issues of state law, that the state claims in this case substantially predominate over the federal claims, and that there are other compelling reasons for this Court to not exercise jurisdiction over the remaining claims. Accordingly, with the consent of the parties, Counts III-VI of the Amended Complaint are dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(1)-(4). Any periods of limitation affecting the state law claims raised in the Amended Complaint are tolled pursuant to 28 U.S.C. § 1367(d).

Having dismissed all claims pending in this action, this case is hereby DISMISSED.

February 16, 2006

s/Henry F. Floyd
Henry F. Floyd
United States District Judge

WE SO MOVE:

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